



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

FEB 17 2017

OFFICE OF  
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**NOTICE OF VIOLATION**

The Honorable Wayne Olsen  
Mayor  
City of Mackay  
203 South Main Street  
P.O. Box 509  
Mackay, Idaho 83251

Re: City of Mackay Wastewater Treatment Plant  
NPDES Permit Number ID-002302-7

Dear Mayor Olsen:

On March 19, 2004, the U.S. Environmental Protection Agency (EPA) issued a National Pollutant Discharge Elimination System (NPDES) permit to the City of Mackay ("City") for its wastewater treatment facility ("Facility"), NPDES Permit Number ID-002302-7 ("Permit"). The Permit became effective on June 1, 2004, and expired on May 31, 2009. The purpose of this letter is to notify you of violations EPA discovered upon review of administrative files, including the Discharge Monitoring Reports (DMRs) submitted by the Facility, and in response to the September 22, 2015 inspection of the Facility conducted by the Idaho Department of Environmental Quality (IDEQ) on behalf of EPA. The purpose of the inspection was to determine the Facility's compliance with the requirements of the Clean Water Act (CWA) and the NPDES Permit. I would like to express my appreciation for your staff's time and cooperation during the inspection.

**ADMINISTRATIVE FILE REVIEW**

1. EPA reviewed DMRs from February 2012 through January 2017 and identified no effluent limitation exceedances that would constitute a violation of CWA, 33 U.S.C. § 1251 *et seq.*
2. Part II.B of the Permit states, in part, "The permittee must summarize monitoring results each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1) or equivalent or forms provided or specified by the Director for reporting results of monitoring of sludge use or disposal practices. The permittee must submit reports monthly, postmarked by the 15th day of the following month."

Upon review of administrative files from February 2012 through January 2017, EPA discovered that the Facility did not submit a DMR for the March 2016 reporting period, which was due April 15, 2016. Failure to submit discharge monitoring reports is a violation of Part II.B of the Permit.

#### SEPTEMBER 2015 INSPECTION

1. Part II.C of the Permit states, "Monitoring must be conducted according to test procedures approved under 40 CFR 136 or, in the case of sludge use or disposal, approved under 40 CFR 503, unless other test procedures have been specified in this permit."

40 CFR Part 136, Table II shows the preservation temperature of a sample for the testing of biochemical oxygen demand (BOD) is required to be  $\leq 6^{\circ}$  Celsius.

At the time of the inspection, the inspector reviewed the Facility's March 2016 DMR and associated chain-of-custody documents. The chain-of-custody documents showed that the receiving lab recorded a sample temperature of  $8.9^{\circ}$  Celsius. The sample temperature at receipt by the lab was in excess of the approved preservation temperature as shown in Table II of 40 CFR Part 136. Failure to properly preserve effluent samples is a violation of Part II.C of the Permit.

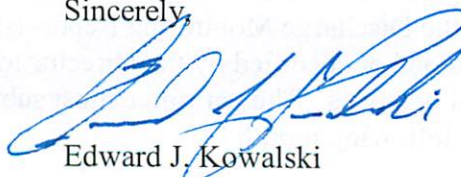
2. Part III.E of the Permit states, in part, "The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures."

At the time of the inspection, the inspector noted that the pH buffer solutions, used by the Facility to calibrate its pH meter, were expired. Failure to maintain adequate laboratory controls and quality assurance procedures is a violation of Part III.E of the Permit.

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to respond appropriately to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

If you have any questions concerning this matter, please do not hesitate to contact Raymond Andrews of my staff at (206) 553-4252.

Sincerely,



Edward J. Kowalski  
Director

By email

cc: Mr. Tyler Fortunati  
Idaho Department of Environmental Quality

Mr. Erick Neher  
Idaho Department of Environmental Quality

Ms. Maria Lopez  
Environmental Protection Agency

Mr. Ken Day  
City of Mackay